

FILED

MAY 19 2006

**CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS**

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

NERY SAUL FLORES LEON,

Petitioner,

v.

**ALBERTO R. GONZALES, Attorney
General,**

Respondent.

No. 04-72725

Agency No. A70-775-606

MEMORANDUM*

**On Petition for Review of an Order of the
Board of Immigration Appeals**

Submitted May 15, 2006**

Before: B. FLETCHER, TROTT, and CALLAHAN, Circuit Judges.

Nery Saul Flores Leon, a native and citizen of Guatemala, petitions for review of the Board of Immigration Appeals' order summarily affirming an Immigration Judge's ("IJ") decision denying his application for cancellation of

*** This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.**

**** The panel unanimously finds this case suitable for decision without oral argument. See Fed. R. App. P. 34(a)(2).**

removal. Our jurisdiction is governed by 8 U.S.C. § 1252. We dismiss the petition for review.

We lack jurisdiction to review the IJ's discretionary denial of cancellation of removal for failure to satisfy the "exceptional and extremely unusual hardship" requirement. *See Romero-Torres v. Ashcroft*, 327 F.3d 887, 892 (9th Cir. 2003). We also lack jurisdiction to consider Flores Leon's contention that the IJ violated his due process and equal protection rights by failing to accord proper weight to the impact of his removal on his two U.S. citizen daughters. *See Torres-Aguilar v. INS*, 246 F.3d 1267, 1271 (9th Cir. 2001) ("[A] petitioner may not create the jurisdiction that Congress chose to remove simply by cloaking an abuse of discretion argument in constitutional garb.").

PETITION FOR REVIEW DISMISSED.